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Express Mail No. EV452773939US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend et al.

Confirmation No.: 1718

Serial No.: 09/783,474

Art Unit: 1631

Filed: February 14, 2001

Examiner: Marschel, A. H.

For: METHODS OF DIAGNOSING
DISEASE STATES USING GENE
EXPRESSION PROFILES

Attorney Docket No: 9301-129

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP section 713.04, Applicant submits the following statement of the substance of a telephonic interview held on May 21, 2004 between Primary Examiner Ardin Marschel and Applicant's representative Weining Wang (on behalf of Adriane M. Antler) in connection with the above-identified application.

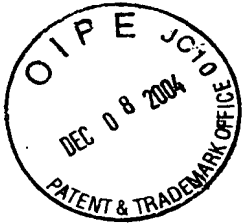
The Examiner informed Mr. Wang that the after final amendment filed on May 4, 2004 had been entered, and that the Examiner would review the amendment.

Applicant respectfully requests that the above statement be made of record in the above-identified application.

Respectfully submitted,

Date: December 8, 2004

Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 AND § 1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicant hereby direct the Examiner's attention to references A01 to A02, B01 to B03 and C01 to C03 on the attached form PTO 1449. A copy of each of these references is provided herewith. Also enclosed is a copy of the Supplementary European Search Report for the European application that is a counterpart to the above-identified application, on which references A01 to A02, B01 to B03 and C01 to C03 are cited.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(d) after the period specified in 37 C.F.R. § 1.97(c), but before the date of payment of the issue fee. In accordance with 37 C.F.R. § 1.97(e)(1), it is certified that each item of information contained in this Supplementary Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplementary Information Disclosure Statement. The fee required for this submission is estimated to be \$180.00. Please charge the required fee to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date - December 8, 2004

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| | | |
|---|----------------------------------|-----------------|
| LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) | ATTY DOCKET NO. | APPLICATION NO. |
| | 9301-129 | 09/783,474 |
| | APPLICANT Friend et al. | |
| | FILING DATE February 14, 2001 | GROUP 1631 |
| U.S. PATENT DOCUMENTS | | |

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|---------------|----------------|-------|----------|-------------------------------|
| | A01 | 5,738,998 | Apr. 14, 1998 | Deth | | | |
| | A02 | 5,756,310 | May 26, 1998 | Bandman et al. | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|-----|-----------------|----------|---------|-------|----------|-------------|----|
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | | | | | | YES | NO |
| | B01 | WO 98/07888 | 02/26/98 | PCT | | | | |
| | B02 | WO 98/24935 | 06/11/98 | PCT | | | | |
| | B03 | WO 97/10365 | 03/20/97 | PCT | | | | |

| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|---|---|--|
| C01 | DeRisi et al., "Exploring the Metabolic and Genetic Control of Gene Expression on a Genomic Scale," Science, Vol. 278, October 24, 1997, pages 680-686. | |
| C02 | Zhang, et al., "Gene Expression Profiles in Normal and Cancer Cells," Science, Vol. 276, May 23, 1997, pages 1268-1272. | |
| C03 | Supplementary European Search Report dated September 27, 2004 for European Application No. EP 99 93 0385. | |

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|---|------------------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

Information Disclosure Statement
Under 37 C.F.R. §§ 1.56 and 1.97

In re application of: Friend et al.

For: METHODS OF DIAGNOSING DISEASE STATES
USING GENE EXPRESSION PROFILES

Attorney Docket No.: 9301-129-999

Serial: No. 09/783,474

Filed: February 14, 2001

Reference: A01 to C03

Binder: 1 of 1

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